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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,375	05/15/2001	Joseph Ward	75275C/PRC	9500

7590

10/19/2005

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EXAMINER

HO, TUAN V

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,375

Applicant(s)

WARD ET AL.

Examiner

Tuan V. Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendments filed on 7/27/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 3-4, 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The allowance of claim 1 is withdrawn due new grounds of rejection. The examiner regrets any inconvenience to Applicants.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hull et al.

With regard to claim 1, Hull et al discloses in Fig. 1, a digital video camera that comprise the method of transferring one of more images from an electronic camera to a service provider (camera system 10 transmits images to server station 14 which is a service provider, col. 1, lines 66-67), the camera including optics and an image sensor for generating an image signal (camera 20 inherently includes an optical lens and an image sensor), a display for displaying images (display 30), a plurality of user inputs (command input 32), a first digital

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memory for storing digital images (image memory 24, col. 2, line 3), a second digital memory for storing a network configuration file (code EPROM 34, col. 2, line 27), and a communications interface (transmitter 28, col. 2, line 17), the method comprising the steps of (a) storing the network configuration file for the service provider in the second digital memory (command input 32 generates email addresses that are stored in EPROM 34); (b) subsequently using the optics and image sensor to generate a plurality of image signals which are stored as a plurality of digital images in the first digital memory (video camera 20 generates images stored in image memory 24); (c) viewing at least one of the plurality of digital images on the display of the electronic camera (display 30 is used to view an image from the memory, col. 2, line 20), (d) using at least one of the plurality of user inputs to select at least one digital image for transfer to the service provider (command input 32 is used to select an email address so that the camera can send an image to an address, col. Col. 2, lines 20-37); (e) using at least one of the plurality of user inputs to initiate transfer of the selected at least one digital image to the service provider (command input 32 selects an address); and (f) using the network configuration file, the electronic camera automatically establishing communications with the service

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provider (an email address is used to send an image to an address, col. 2, lines 20-37) and transferring the selected digital images from the electronic camera to the service provider using the communications interface (telephone transmitter 28).

With regard to claim 2, Hull et al discloses in Fig. 1, a digital video camera that comprise the network configuration file includes a protocol type identifier (email addresses are stored in EPROM 34, which are considered as a protocol type identifier).

With regard to claim 5, Hull et al discloses in Fig. 1, a digital video camera that comprise the network configuration file includes a phone number used to access the service provider (telephone numbers are used to connect the camera system with server station 14).

With regard to claim 9, Hull et al discloses in Fig. 1, a digital video camera that comprise the network configuration tile includes a phone number used to access the service provider (a telephone number is used to connect with server 14).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull et al.

With regard to claims 10-13, Hull et al discloses the same subject matter as discussed with respect to claim 1, except that the network configuration file includes account data.

Hull et al does not explicitly disclose any net work configuration file including account data. Official Notice is taken for network configuration file including Internet account data for billing a user of an address with a charge account.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the EPROM 34 of Hull et al so as to include account data in network configuration file because the account data is used for billing a user of an address with convenience and more efficient.

5. Claims 3-4 and 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Savitzky et al (US 6,571,271) discloses a digital camera that can be connected to a Network.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

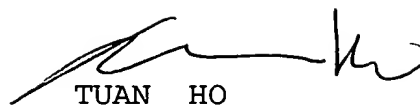
If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (572) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600.

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TUAN HO

Primary Examiner

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